

REMARKS/ARGUMENTS

Claim Rejections – 35 USC § 112

The Examiner stated that claims 212 and 216 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

The Examiner stated that claim 212 recited the limitation “the geographic position” in line 3 and that there is insufficient antecedent basis for this limitation in the claim as claim 214 has been cancelled.

Claim 212 has been amended to refer to claim 211. As such, Applicant believes the term “the geographic position” has proper antecedent basis.

Claims Rejections – 35 USC § 102

The Examiner stated that claims 21-23, 39, 40, 43-46, 50, 68-71, 75, 198-211, 217 and 218 are rejected under 35 U.S.C. 102(e) as being anticipated by Fano (U.S. Patent 6,317,718).

Claim Rejections – 35 USC § 103

The Examiner stated that claims 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano in view of Kolls (U.S. Patent 6,389,337).

The Examiner stated that claims 47-49, 212, 213, 215, 216, and 219 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano.

Independent claims 21, 68, 217 introduce the following limitation: “utilizing the data representing the identity of the user to obtain at least a further data element related to the user, wherein the further data element is an electronic identifier for electronic commerce.” Support for such a limitation can be found at least on page 14 of the instant invention. Fano, nor Kolls, describes using a further data element that is an electronic identifier for electronic commerce that is related to the user.

Per the comments presented above, the Applicant believes Independent claims 21, 68, 217, as well as the claims that depend from them, are in condition for allowance and respectfully request they be passed to allowance.

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Respectfully submitted,
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